

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to update its gas revenue requirement and base rates. (U 904 G)

Application 02-12-027
(Filed December 20, 2002)

Application of SAN DIEGO GAS & ELECTRIC COMPANY for authority to update its gas and electric revenue requirement and base rates. (U 902-M)

Application 02-12-028
(Filed December 20, 2002)

Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Gas Company and San Diego Gas & Electric Company.

Investigation 03-03-016
(Filed March 13, 2003)

ADMINISTRATIVE LAW JUDGE'S RULING DENYING MOTION BY TURN AND UCAN FOR LEAVE TO SUBMIT ADDITIONAL DIRECT TESTIMONY ON THE ISSUE OF CORPORATE CENTER COSTS

On October 22, 2003, The Utility Reform Network (TURN) and the Utility Consumers Actions Network (UCAN) filed a motion for leave to submit additional written direct testimony by their witness, Robert Welchlin of Overland Consulting. Alternatively, they seek to further cross-examine applicants' rebuttal witness Frank Ault, based upon the data received in late data requests. In an October 30, 2003 response, Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E) oppose the motion to submit additional testimony as an attempt to supplement UCAN's showing in

the proceeding. The dispute as raised by TURN and UCAN is that certain critical data was not available to them in time to prepare for cross-examination of SoCalGas and SDG&E rebuttal witness Ault. The motion is denied.

By this Ruling, I find that TURN and UCAN have not shown that SoCalGas and SDG&E failed to provide adequate and timely responses to discovery requests in this proceeding. TURN and UCAN sought and were granted an extension of time when preparing their direct case, which caused a delay in SoCalGas and SDG&E serving rebuttal testimony, and this consequently led to a compressed time-frame for TURN and UCAN to prepare to cross-examine SoCalGas and SDG&E rebuttal witnesses.

The disputed discovery request of October 2, 2003 (Ex. 633) in part seeks up-dated 2003 data from July to September, which is not critical to analyze the 2001 recorded base-year or the adequacy of the budgeting assumptions used to develop Test Year 2004 estimates. The balance of the October 2 request is discovery that could have been performed in a more timely fashion. TURN and UCAN would cause further delay to this proceeding by introducing either late additional direct testimony or by recalling SoCalGas and SDG&E witness Ault. There is not adequate potential benefit to the record that would justify such delay.

The arguments in the motion addressing the adequacy of the evidentiary showing by SoCalGas and SDG&E properly belong in the TURN and UCAN briefs due December 2, 2003.

IT IS RULED that:

1. The Motion is denied.
2. Parties will not be served a hard copy of this ruling under the electronic service protocols adopted for this proceeding.

Dated November 3, 2003, at San Francisco, California.

/s/ DOUGLAS M. LONG

Douglas M. Long
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by electronic mail to the parties this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion by TURN and UCAN for Leave to Submit Additional Direct Testimony on the Issue of Corporate Center Costs on all parties of record in this proceeding or their attorneys of record. Parties will not be served a hard copy of this ruling under the electronic service protocols adopted for this proceeding.

Dated November 3, 2003, at San Francisco, California.

/s/ HELEN FRIEDMAN

Helen Friedman

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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